PETITION FOR ZONING VARIANCE S/S Belfast Road, 63' W of the c/l of Sweetbrier Lane 9 Belfast Road 8th Election District 4th Councilmanic District

* ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 90-182-A

Karlheinz Mueck Petitioner * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1802.3.B to permit a 7 foot side yard se ack in lieu of the minimum 10 foot, in accordance with Petitioner's Exhibits 1 and 2.

The Petitioner, Mr. Karlheinz Mueck, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, located at 9 Belfast Road, Timonium, Maryland 21093, in the subdivision known as Yorkshire, is zoned D.R.5.5. and is currently improved with a one story dwelling house, approximately 45 years of age.

The Petitioner requested permission to place an addition on the rear of the existing home with an open projection deck on the rear of the new addition, as shown on Petitioner's Exhibit 2. The new enclosed addition would be for additional habitable space in the form of an enlarged kitchen, family room and bath.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance

unnecessarily burdensome;

whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zorlig Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of Zonember, 1989 that the Petition for a variance to permit a 7 foot side yard setback in lieu of the minimum 10 foot, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, lititioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> 2) Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

> > Zoning Commissioner for Baltimore County

cc: Peoples Counsel

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zoning Communioner

Mr. Karlheinz Mueck

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*P*LAN^H

DATE 10 31 89

9 Belfast Road Timonium, Maryland 21093 Re: Petition for Zoning Variance

CASE NUMBER: 90-182-A S/S of Belfast Road, 63' W of the c/l of Sweetbrier Lane 9 Belfast Road 8th Election District - 4th Councilmanic Petitioner(s): Karlheinz Mueck HEARING: WEDNESDAY, NOVEMBER 15, 1989 at 2:00 p.m.

Dear Mr. Mueck:

Please be advised that \$ 134.50 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)

RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

RETURNED ON THE DAY OF THE SIGN & POST SET(S) FROM THE PROPERTY

Baltimore County Zoning Commissioner County Office Building 111 West Chasapeake Avenue

owson, Maryland 21204

11/14/89

M9000081 FUELIC MEARING FEES 080 -POSTING SIGNS / ADVERTISING 1 X \$134.50 LAST NAME OF OWNER: MUECK

> CERTIFICATE OF POSTIMO ZONING DEPARTMENT OF BALTIMORE COUNTY

District 8 Zh	Date of Posting 10/27/89
Posted for: Variance	
Petitioner: Karlheinz M	lec K
Location of property: 5/5 Bel Fig. 7	Rd. 63' W/swey brier for
J Bolfost Rd	
Location of Signer Facing Belfost	Educations 25 Fr. Toody
an proporty of Petition	2 V
marks:	
clos by M. Stealey	Data of return: 11/3/89

Towers, Maryland

CERTIFICATE OF PUBLICATION

ZONING DESCRIPTION

Beginning on the south side of Belfast Road, 40 feet wide, at the distance of 63 feet west of the centerline of Sweetbrier Lane, Lots #73 and #74, Section G, in the subdivision of Yorkshire, Book 7, Folio 21. Also known as 9 Belfast Road in the 8th Election District.

Tracking System Baltimore County Zoning Commissioner Office of Planning & Zoning	(District	District	ENTRY
Date Receipt FEE Day Month Year Number TYPE Identific	ation Number	75	Election 5	
1 2 6 0 2 9 9 0 1	- 6 / 3	ğ 4	08	ZIp Code
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TIMORE COUNTY, MARYLAND CE OF FINANCE-REVENUE DIVISION CELLANEOUS CASH RECEIPT ACCOUNT 61-615 AMOUNT \$ 35.00 EIVED Karlticing Mucch G Bolfast Kd Timing (Item # 36) B B B B D 37 **** 35 40:8 527 if	(Number)	Belfast Road (Stroot)	
Residential Variance (Item# 36)	CE OF FINANCE - REVENUE	IE DIVISION	
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NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a TOWSON, MD., Oct 27 , 1989 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published

public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapsake Av-enue in Towson, Maryland 21204 as follows: Petition for Zoning Variance Case number: 90-182-A S/S of Belfast Road, 63' W of ir. Towson, Baltimore County, Md., once in each of ____ successive the c/l of Sweetbner Land 9 Befrast Road 8th Election District 4th Councilmanic Petitioner(s): Kartheinz Mueck Hearing Date: Wednesday Nov. 15, 1969 at 2:00 p.m. Variance: To permit a 7 for side yard setback in lieu of the minimum 10 foot. In the event that this Petition is

granted, a building permit may be issued within the thirty (30) day assed within the trivity (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the lasuance of said permit during this period for good cause ahown. Such request must be in writing and received in this office by the date of the hearing set above or received at the hearing.

presented at the hearing.
NOTE:

"(I "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)
J. ROBERT HAINES

MOTICE OF HEARING

The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Requisitions of Battimore County will hold a public hoaring on the property identified herein in Room 106 of the County Office Building, to-cated at 111 W. Chesapeste Avenue in Towson, Maryland 21204

insued within the thirty (30) day appeal period. It is Zoring Commissioner will, however, entertain any request for a stay of the insurance of said period during this period for good cause whosen. Such request wast to in writing and seceled in this effice by the date of the hearing set shows or presented at the hearing.

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Bellimore County on the above hearing date, the Hearing will be postponed, in the even of snow, telephone 887-3391 to confirm hearing date.)

Zoning Commissioner of Beltimore County TTA/19/281 Oct. 25.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on Oct 25 19.89

> TOWSON TIMES, 5. Zahe Orlan

PO 18381 reg M 34260

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1862.3.B. To permit a 7 foot mide yard setback in lieu of the minimum 10 foot of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty). 1. The planned addition would come to seven feet of the side boundary Line. The other side staying the same Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm was under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Karlbeinz (Type or Print Name) (Type or Print Name) Isarlanz Millett (Type or Print Name) City and State Attorney for Petitioner (Type or Print Name) Name, address and phone number of legal owner, contract purchaser or representative to be contacted ORDERED By The Zoning Commissioner of Baltimore County, this

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Zoning Commissionei

NOTICE OF HEARING

October 9,1989

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 11: W. Chesapeake Avenue in Towson, Maryland as

Petition for Zoning Variance CASE NUMBER: 90-182-A S/S of Belfast Road, 63' W of the c/l of Sweetbrist Lane 9 Belfast Road 8th Election District - Ach Councilmanic Petitioner(s): Karlheinz Mueck HEARING: WEDNESDAY, NOVEMBER 15, 1989 at 2:00 p.w.

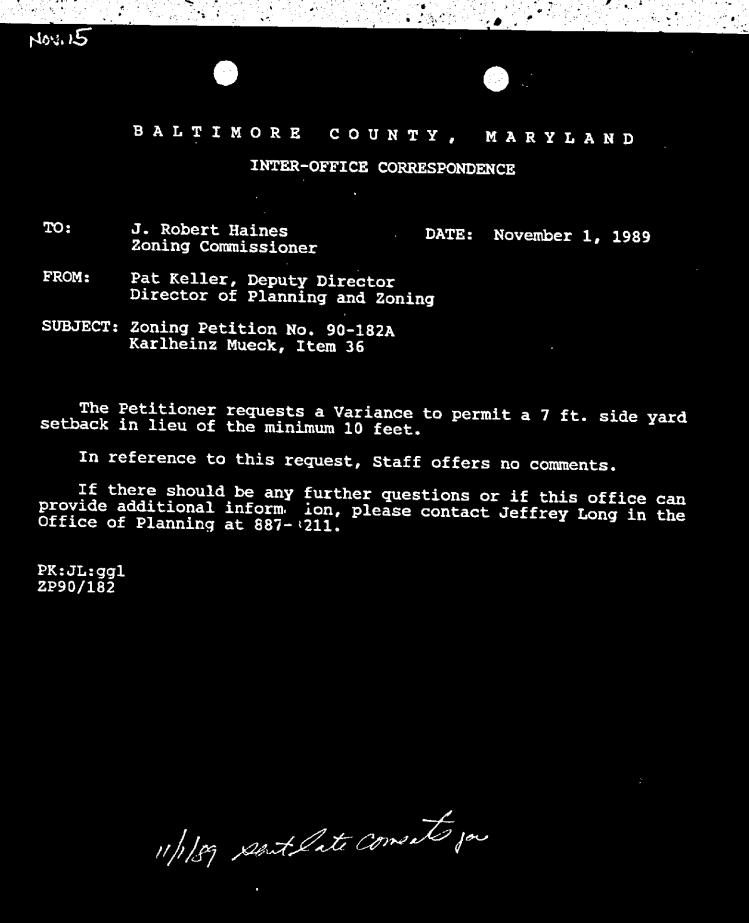
Variance: To permit a 7 flot side yard setback in like of the minimum 13 flot.

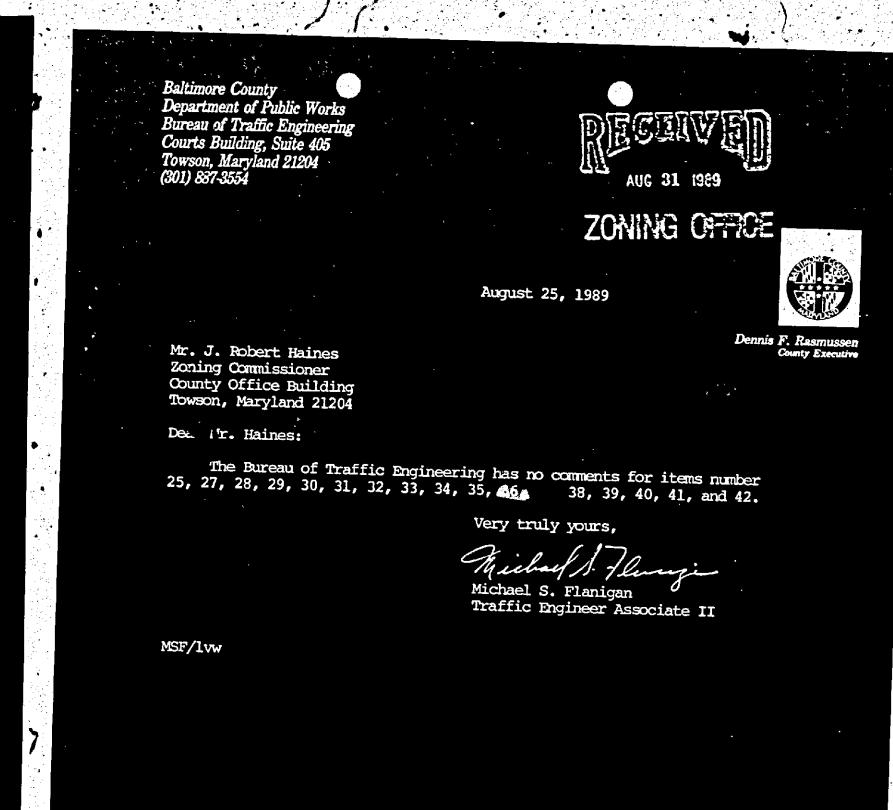
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

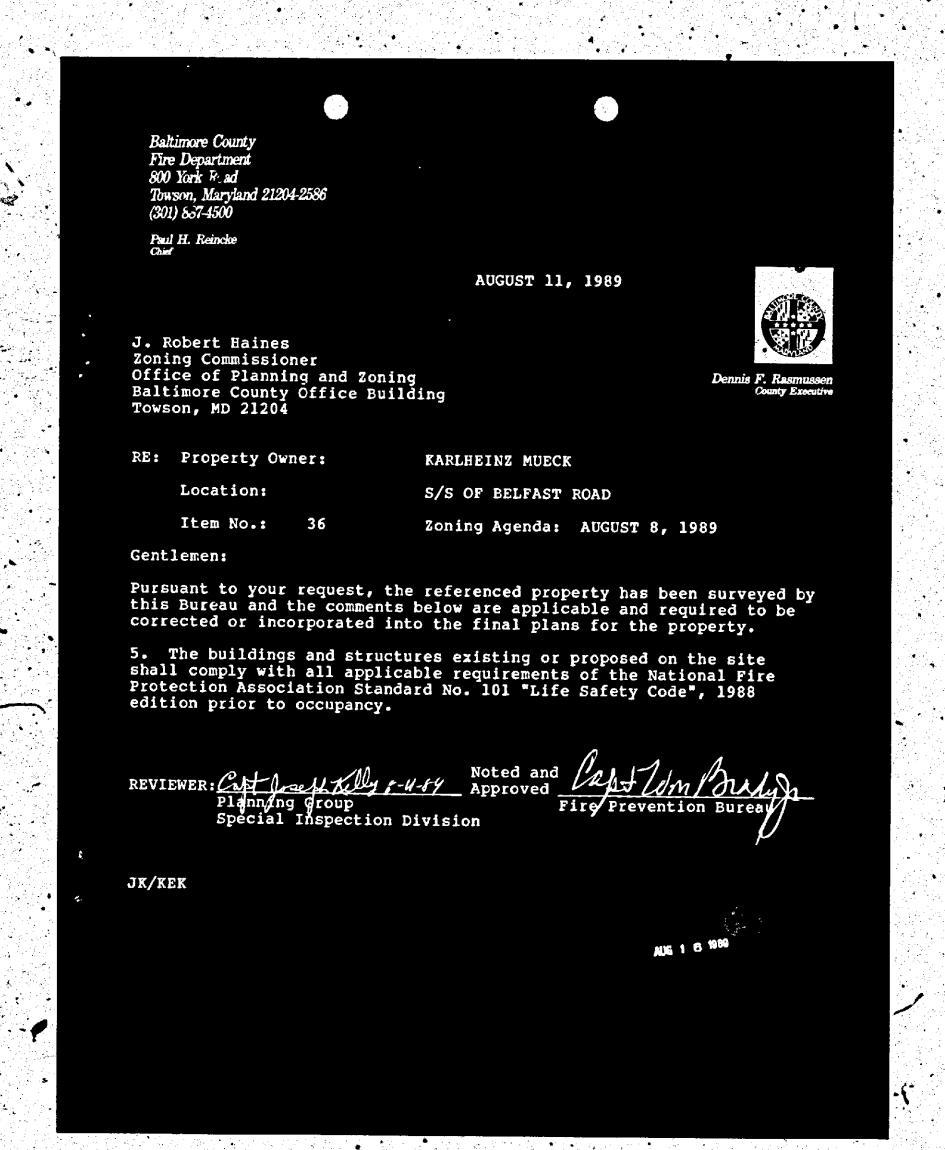
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the Hearing will be postponed. In the event of snow, telsphone 887-3391 to confirm hearing date.)

J. Robert frince J. ROBERT HAINES ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND







NOV O 1 1989

